

Applicant: Coppens, et al
Serial No.: 10/633,231
Filed: August 2, 2003

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REMARKS

In response to April 30, 2004 Office Action, applicant's submit a proposed drawing correction of FIG. 9A. The correction shows the addition of an accessory device and where the accessory device attaches to the device adaptor. In the proposed correction, a head immobilization board is the accessory device.

Claims 12 and 13 have been objected to as being of improper dependent form. In response to the objection, Claim 12 has been canceled, thereby removing any inconsistency. Thus, the objection should be withdrawn.

Claims 1, 2, 5-11, 14 and 15 have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,484,332 to Korver. Applicant's respectfully disagree.

The Examiner states that on close inspection of FIG 2, the side of the patient support device 14 does not include notches. On further inspection, however, it is clear that FIGS 1 and 2 show the exact same device from different perspectives. FIG 1 is a perspective view of the system with the patient positioning board positioned on a gurney in a horizontal orientation. As the Examiner points out, notching is present on both sides of the treatment table or couch 14 and the patient positioning board 16. FIG 2 is another perspective view of the system with the patient positioning board positioned on the treatment table (See Col. 3, lines 1-7). Both FIGS depict the same system. The only difference is that the second side notching is obscured in FIG 2. Thus, the FIGS do not depict conflicting information, simply a different view of the same information, namely a plurality of indexing notches 22 on both sides of the couch and board (See also, Col. 3, lines 46 and 47).

Alternatively, the Examiner states that it would have been obvious to remove the notches on one side of the patient support device. Such an argument is not supported in practice. First, designing a board with notching on one side opposing a flat edge has never been done before. Second, attaching devices has always been accomplished using opposing notching. Third, removing the notching on one side requires completely

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different attachment means that has never been used with patient positioning devices. Finally, the use of a flat edge attachment means opposing one sided notching can provide a more precise and more secure patient positioning. The omission of second sided notching changes the look and function of the attachment means and the devices needed to attach to the couch or patient positioning board. Therefore, in this case, it would not have been obvious to simply omit an element.

Since claims 2, 5-11, 14 and 15 depend on claim 1, the rejection of these claims should be withdrawn.

Claims 36-38 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,349,956 to Bonutti. In response, applicant's have amended claims 36, 38, 39 and 41-44; canceled claim 37 and added new claim 47 to further clarify the invention.

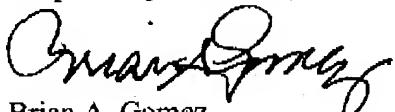
Claim 36 has been rewritten to include the limitation of claim 37. Claim 36 now includes the limitation that the indexing groove reaches from the first side to the second side. Bonutti clearly does not teach, disclose or suggest this aspect of the invention. The present invention provides the indexing grooves from one side to the next which enables precise positioning of the entire patient with various positioning means. In contrast, and contrary to the Examiner's assertion, Bonutti teaches a foot rest that can be adjusted by manipulating a pawl that meets with grooves in the center of the table.

The above amendments of claims 36-39 and 41-44 should obviate the rejection.

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In view of the above amendments, the proposed drawing correction and remarks, Claims 1-47 are considered to represent a novel and unobvious advance in the art. Prompt issuance of a Notice of Allowance for these claims is in order and such action is requested. If any issues remain outstanding, the Examiner is urged to contact the undersigned agent to expedite their resolution.

Respectfully submitted,



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